

TOWN OF NEEDHAM CIVIC DUTY POLICY #301

1. PURPOSE AND SCOPE

The purpose of this document is to define and establish procedures for employees to fulfill their civic duty serving on juries or appearing as witnesses in court proceedings.

2. APPLICABILITY

This policy is applicable to all non-represented General Government employees.

3. DEFINITIONS

Refer to the Section 8.3 of the Personnel By-law for the definition of commonly used words.

Jury Fees Those fees, exclusive of reimbursement for expenses, paid by the court for Jury service.

Subpoena A formal, legal notice to appear in a court or a request for specific information.

4. POLICY

Employees are entitled to leave with pay when called to perform their civic duty, such as for jury service or when subpoenaed as a witness on behalf of any city, town, county, the commonwealth or the federal government. Employees are not entitled to receive payment from **both** the Court and the Town unless they are utilizing their own accumulated leave time.

5. PROCEDURES

5.1 The appointing authority or department manager may require that the employee provide an official notice of jury duty or witness appearance prior to approving the civic duty leave.

5.2 An employee who receives fees for jury service, exclusive of reimbursement for travel, meals and incidentals, may:

5.2.1 retain the jury fees, in lieu of regular straight time pay for the day, if such fees **exceed** his/her regular rate of pay; or

5.2.2 remit the fees to the Town Comptroller's office, if the fees are less than his/her regular rate of pay.

5.3 An employee on civic duty leave status must remit witness and other fees (excluding those for reimbursement for travel, meals and incidentals) to the Town for service performed during regular working hours. Any fees for service paid during an employee's vacation or on a holiday may be retained by the employee if that day is properly charged to vacation time or falls on a recognized holiday.

- 5.4 Civic duty leave will not be paid to an employee who is a defendant, is called as a witness for the defense, or who is involved in personal litigation. An employee who is subpoenaed to appear, by a party other than the government of a city, town, state or federal government, must use his/her accumulated leave time or request a leave of absence. Department Heads should allow the employee to use such time in compliance with a subpoena unless the result would be extreme hardship on the Town.
- 5.5 An employee who is required to appear in a court of law for an employment related matter will be paid for such time at regular straight time or overtime pay, whichever is appropriate. For example, a Police Officer who is required to appear in a court of law as a result of his or her employment is considered to be working, and not performing his or her civic duty. Therefore, such time is considered work and not civic duty leave.
- 5.6 An employee who is discharged from jury or other court duty must report to his/her work location if, by the time he/she arrives back at the work location, more than half of the employee's regularly scheduled workday remains available for work.
- 5.7 At the discretion of the department manager, employees who are scheduled to work the night before or after the period of civic duty service will be released from work for those shifts.
- 5.8 Part-time employees working fewer than 20 hours per week, and temporary and seasonal employees will be entitled to paid civic duty leave for a maximum of three days.
- 5.9 Absence due to authorized civic duty leave shall not affect an employee's eligibility for longevity, satisfactory performance step increases or benefit eligibility.